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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,873	04/09/2004	Lien-Chuan Yang	3214-85	9276

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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,873

Applicant(s)

YANG, LIEN-CHUAN

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following:
 - a. They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 532 and 533 mentioned at 4:26-27.
 - b. For consistency, reference character 32 at the top of FIG. 7 should be 231 and reference character 32 at the bottom of FIG. 7 should be 24.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because of the following: Information given in the title is repeated. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: 5:18: [form] should be from. Appropriate correction is required.

Claim Objections

4. Claim 2 is objected to because of the following informalities:

Claim 2, line 4: “connecting” should be deleted because the “holding parts” are recited in antecedent. Subparagraphs or indents would be helpful in clarifying the use of “its” throughout the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1: The claims have been treated as subcombination claims drawn to the framework, as recited in the preamble, because the inner tent and outer tent are not positively recited in the claim. Further, the last line is unclear as to what is meant by “the preset invention.”

b. Claim 5, line 5: “the connecting part” lacks antecedent basis in the claim. Claim 5, line 9: “the other end (of the second supporting arm)” is a non sequitur because one end is not recited in antecedent. It appears that the phrase “, the other end of the joint joins with one end of the second supporting arm” is missing before the comma on line 9.

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c. Claim 6, line 2: “the second supporting arm” lacks antecedent basis in the claim.

The claim has been treated as dependent upon claim 5.

d. Claim 7, line 3: “the end (of each the first supporting arm)” is confusing because there is no first supporting arm recited in antecedent. The first supporting arm is recited in claim 5; however, claim 7 depends upon claim 1. Claim 7, lines 3-4: “the elastic plate” lacks antecedent basis in the claim. The elastic plate is recited in claim 5; however, claim 7 depends upon claim 1. *The claim has been treated as dependent upon claim 6.*

e. Claim 8: “the hooked part” lacks antecedent basis in the claim. The hooked part is recited in claim 7; however, claim 8 depends upon claim 1. *The claim has been treated as dependent upon claim 7.*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rousselle (US-6199572).

a. Claim 1: Rousselle discloses a tent framework including

- i. a set of upper (400; FIG. 1D) and lower (600; FIG. 1D) covers; the upper cover includes holding parts (e.g., recess 712); the lower cover includes elastic holding elements (e.g., socket 720, sliding pin 731, and spring SP; FIG. 2A); the upper and lower covers mutually join or separate by the holding part and elastic holding elements;
- ii. a plurality of movable arms (e.g., 500) joined with the lower cover and the other end free (at pivot mount 450); a plurality of sets of supporting arms (320, 312, 310) pivotally joined with the upper cover (FIGS. 1C, 1D).
- iii. whereby the inner tent and outer tent are able to be supported by joining the upper cover holding parts and lower cover elastic holding elements.

b. Claim 2: The upper cover includes a through hole (groove 712), a plurality of connecting parts (at the periphery of element 400), first hollow tube (420), and holding parts (710A) at the wall of the hollow tube. The lower cover includes a second hollow

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tube (socket 720), elastic holding element (sliding pin 731), and elastic body (spring SP) as depicted in FIG. 2A.

c. Claim 4: The Rousselle supporting arm sets are each at least two pieces that are folded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rousselle (US-6199572) in view of Watts (US-4202363).

Claim 3: Watts teaches a rope (13a) extending through the lower cover to a lower grasping part (31) and through a hole in the upper cover to an upper grasping part (a knot in the rope is depicted in FIG. 3, for example). The operation of the framework is the same as that of Rousselle. That is to say the upper and lower covers are joined and separated to form and collapse the tent framework. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rousselle to include a rope, such as suggested by Watts, in order to provide an assembly member that is attached to the framework rather than or in addition to the separate assembly member of Rousselle.

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8. Claims 5-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

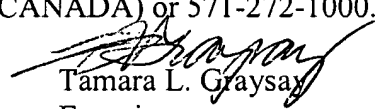
- Watts (US-4202363) further teaches elastic cord for connecting the supporting frame members to each other (11:6-11).
- Chen (US-6802329), Chai (US-6854476), Fosburgh (US-344093) and Shimizu (JP-9-144383) teach a rope actuated folding tent framework.
- Chen (US-6354316) teaches a lower grasping part 108.
- Holtermans (DE-10028307) teaches an elastic cord connecting a supporting arm set of four pieces.
- Surrendi (WO-97/06325) teaches alternative upper and lower covers and interchangeability for the holding parts.
- Page (US-5025821) teaches a holding element in the form of a clip for releasably hooking two frame members relative to each other (FIG. 6).
- Maloney (GB-2196362) teaches a holding element in the form of a clip 48 for releasably hooking two frame members relative to each other (FIG. 1).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tamara L. Graysay
Examiner
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